IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Second Appeal No. 88 of 2006

Preetam Singh S/o Swaroop Singh
R/o Village Basai
Tehsil Kashipur
District Udham Singh Nagar ...Appellant

Vs

1. Mohan Singh S/o Pyara Singh
   S/o Pyara Singh
   R/o Village Basi
   Ttehsil Kashipur
   District Udham Singh Nagar
2. Gurudev Singh
   S/o Inder Singh
   R/o Village Sitapur Tanda
   Tehsil Ramnagar
   District Nainital ...Respondents

Sri Sarvesh Agarwal, learned counsel for the appellant

Hon'ble B.C. Kandpal, J.

This second appeal has been preferred by the appellant against the impugned judgment and decree dated 31.10.2006 passed by District Judge, Udham Singh Nagar in Civil Appeal No. 09 of 2004 arising out of the judgment and decree dated 08.03.2004 passed by Civil Judge (Junior Division), Udham Singh Nagar in Suit No. 87 of 1999.

2. Brief facts of the case are that the appellant/plaintiff field a suit before the Civil Judge (Junior Division), Udham Singh Nagar which was dismissed vide judgment and decree dated 08.03.2004.

3. Feeling aggrieved by the aforesaid judgment and decree, the appellant/plaintiff preferred an appeal before the first appellate court which was also dismissed vide judgment and decree dated 31.10.2006.

4. Feeling aggrieved by the aforesaid judgments and decree, the appellant/plaintiff preferred an appeal before this Court.

5. Heard Sri Sarvesh Agarwal, learned counsel for the appellant on the point of admission and perused the record.

6. Having considered the arguments advanced by the learned counsel for the appellant and after perusing the entire evidence on record, I am of the view that, this second appeal is concluded by concurrent finding of facts, I, Therefore, do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact, which cannot be interfered at the stage of second appeal. I also do not find any substantial question of law involved in this case.

7. The second appeal lacks merit and is liable to be dismissed.

8. Accordingly, the second appeal is dismissed in-limine.

(B.C. Kandpal, J.)

21.12.2006
ASWAL